IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

CRL.A.No. 410 of 1999()

STC 1057/1997of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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APPELLANT: COMPLAINANT

HI-TECH RE-TREADS,
THOTTDA BY ITS MANAGER ABDUL RAHIMAN
S/O.O.V.MAHAMOOD,
RESIDING AT YAMAMA, THANA
KANNUR-11.

BY ADV. SRI.A.MOHAMED MUSTAQUE

RESPONDENT: ACCUSED

K.VELAYUDHAN, BUS OPERATOR
JUBILEE SQUARE SHOPPING COMPLEX
HOSPITAL ROAD, THALASSERY.

BY ADV. PARTY

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.410 of 1999

Dated this the 6th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 8.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl